

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5214

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## AN ACT

To amend title 5, United States Code, to prevent fraud  
by representative payees.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Representative Payee  
3 Fraud Prevention Act of 2019”.

4 **SEC. 2. REPRESENTATIVE PAYEE FRAUD.**

5 (a) DEFINITIONS.—

6 (1) CSRS.—Section 8331 of title 5, United  
7 States Code, is amended—

8 (A) in paragraph (31), by striking “and”  
9 at the end;

10 (B) in paragraph (32), by striking the pe-  
11 riod at the end and inserting “; and”; and

12 (C) by adding at the end the following:

13 “(33) ‘representative payee’ means a person  
14 (including an organization) designated under section  
15 8345(e)(1) to receive payments on behalf of a minor  
16 or an individual mentally incompetent or under other  
17 legal disability.”.

18 (2) FERS.—Section 8401 of title 5, United  
19 States Code, is amended—

20 (A) in paragraph (37), by striking “and”  
21 at the end;

22 (B) in paragraph (38), by striking the pe-  
23 riod at the end and inserting “; and”; and

24 (C) by adding at the end the following:

25 “(39) ‘representative payee’ means a person  
26 (including an organization) designated under section

1 8466(e)(1) to receive payments on behalf of a minor  
2 or an individual mentally incompetent or under other  
3 legal disability.”.

4 (b) EMBEZZLEMENT OR CONVERSION.—

5 (1) CSRS.—Subchapter III of chapter 83 of  
6 title 5, United States Code, is amended by inserting  
7 after section 8345 the following:

8 **“§ 8345a. Embezzlement or conversion of payments**

9 “(a) EMBEZZLING AND CONVERSION GENERALLY.—

10 “(1) IN GENERAL.—It shall be unlawful for a  
11 representative payee to embezzle or in any manner  
12 convert all or any part of the amounts received from  
13 payments received as a representative payee to a use  
14 other than for the use and benefit of the minor or  
15 individual on whose behalf such payments were re-  
16 ceived.

17 “(2) REVOCATION.—If the Office determines  
18 that a representative payee has embezzled or con-  
19 verted payments as described in paragraph (1), the  
20 Office shall promptly—

21 “(A) revoke the certification for payment  
22 of benefits to the representative payee; and

23 “(B) certify payment—

24 “(i) to another representative payee;

25 or

1                   “(ii) if the interest of the individual  
2                   under this title would be served thereby, to  
3                   the individual.

4           “(b) PENALTY.—Any person who violates subsection  
5 (a)(1) shall be fined under title 18, imprisoned for not  
6 more than 5 years, or both.”.

7           (2) FERS.—Subchapter VI of chapter 84 of  
8           title 5, United States Code, is amended by inserting  
9           after section 8466 the following:

10 **“§ 8466a. Embezzlement or conversion of payments**

11           “(a) EMBEZZLING AND CONVERSION GENERALLY.—

12                   “(1) IN GENERAL.—It shall be unlawful for a  
13                   representative payee to embezzle or in any manner  
14                   convert all or any part of the amounts received from  
15                   payments received as a representative payee to a use  
16                   other than for the use and benefit of the minor or  
17                   individual on whose behalf such payments were re-  
18                   ceived.

19                   “(2) REVOCATION.—If the Office determines  
20                   that a representative payee has embezzled or con-  
21                   verted payments as described in paragraph (1), the  
22                   Office shall promptly—

23                           “(A) revoke the certification for payment  
24                           of benefits to the representative payee; and

25                           “(B) certify payment—

1 “(i) to another representative payee;

2 or

3 “(ii) if the interest of the individual

4 under this title would be served thereby, to

5 the individual.

6 “(b) PENALTY.—Any person who violates subsection

7 (a)(1) shall be fined under title 18, imprisoned for not

8 more than 5 years, or both.”.

9 (3) TECHNICAL AND CONFORMING AMEND-  
10 MENTS.—

11 (A) The table of sections for chapter 83 of

12 title 5, United States Code, is amended by in-

13 sserting after the item relating to section 8345

14 the following:

“8345a. Embezzlement or conversion of payments.”.

15 (B) The table of sections for chapter 84 of

16 title 5, United States Code, is amended by in-

17 sserting after the item relating to section 8466

18 the following:

“8466a. Embezzlement or conversion of payments.”.

19 (c) DEFERRAL OF PAYMENT PENDING APPOINT-

20 MENT OF REPRESENTATIVE PAYEE.—

21 (1) CSRS.—Section 8345(e) of title 5, United

22 States Code, is amended—

23 (A) by inserting “(1)” after “(e)”;

1 (B) in the first sentence, by inserting “(in-  
2 cluding an organization)” after “person”;

3 (C) in the second sentence—

4 (i) by inserting “(including an organi-  
5 zation)” after “any person”; and

6 (ii) by inserting “and may appro-  
7 priately receive such payments on behalf of  
8 the claimant” after “claimant” the second  
9 place it appears; and

10 (D) by adding at the end the following:

11 “(2) If the Office determines that direct payment of  
12 a benefit to an individual mentally incompetent or under  
13 other legal disability would cause substantial harm to the  
14 individual, the Office may defer or suspend direct payment  
15 of the benefit until such time as the appointment of a rep-  
16 resentative payee is made. The Office shall resume pay-  
17 ment as soon as practicable, including all amounts due.”.

18 (2) FERS.—Section 8466(c) of title 5, United  
19 States Code, is amended—

20 (A) by inserting “(1)” after “(c)”;

21 (B) in the first sentence, by inserting “(in-  
22 cluding an organization)” after “person”;

23 (C) in the second sentence—

24 (i) by inserting “(including an organi-  
25 zation)” after “any person”; and

1                   (ii) by inserting “and may appro-  
2                   priately receive such payments on behalf of  
3                   the claimant” after “claimant” the second  
4                   place it appears; and

5                   (D) by adding at the end the following:

6           “(2) If the Office determines that direct payment of  
7 a benefit to an individual mentally incompetent or under  
8 other legal disability would cause substantial harm to the  
9 individual, the Office may defer or suspend direct payment  
10 of the benefit until such time as the appointment of a rep-  
11 resentative payee is made. The Office shall resume pay-  
12 ment as soon as practicable, including all amounts due.”.

13           (d) LIMITATIONS ON APPOINTMENTS OF REP-  
14 RESENTATIVE PAYEES.—

15           (1) CSRS.—Section 8345 of title 5, United  
16 States Code, is amended by inserting after sub-  
17 section (e) the following:

18           “(f) The Office may not authorize a person to receive  
19 payments on behalf of a minor or individual of legal dis-  
20 ability under subsection (e) if that person has been con-  
21 victed of a violation of—

22                   “(1) section 8345a or 8466a;

23                   “(2) section 208 or 1632 of the Social Security  
24 Act (42 U.S.C. 408, 1383a); or

25                   “(3) section 6101 of title 38.”.

1           (2) FERS.—Section 8466 of title 5, United  
2 States Code, is amended by adding at the end the  
3 following:

4           “(d) The Office may not authorize a person to receive  
5 payments on behalf of a minor or individual of legal dis-  
6 ability under subsection (c) if that person has been con-  
7 victed of a violation of—

8           “(1) section 8345a or 8466a;

9           “(2) section 208 or 1632 of the Social Security  
10 Act (42 U.S.C. 408, 1383a); or

11           “(3) section 6101 of title 38.”.

12 **SEC. 3. IMPLEMENTATION.**

13           (a) AUTHORIZATION OF PAYMENTS.—Section  
14 8348(a)(1)(B) of title 5, United States Code, is amended  
15 by inserting “in administering fraud prevention under sec-  
16 tions 8345, 8345a, 8466, and 8466a of this title,” after  
17 “8465(b) of this title,”.

18           (b) REGULATIONS.—Not later than 1 year after the  
19 date of enactment of this Act, the Office of Personnel  
20 Management—

21           (1) shall promulgate regulations to carry out  
22 the amendments made by section 2; and

23           (2) may promulgate additional regulations re-  
24 lating to the administration of the representative  
25 payee program.



1 **SEC. 4. EFFECTIVE DATE.**

2 The amendments made by section 2—

3 (1) shall take effect on the date of the enact-  
4 ment of this Act; and

5 (2) apply on and after the effective date of the  
6 regulations promulgated under section 3(b)(1).

Passed the House of Representatives February 5,  
2020.

Attest:

*Clerk.*

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